

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:15-CR-00298-RJC-DSC

USA

v.

QUINBY BOYD

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ORDER

THIS MATTER is before the Court upon motion of the defendant for compassionate release based on the COVID-19 pandemic under 18 U.S.C. § 3582(c)(1)(A), as amended by the First Step Act of 2018. (Doc. No. 59).

Section 603(b) of the First Step Act amended § 3582(c)(1)(A), which previously only allowed a court to reduce a term of imprisonment on motion of the Director of the Bureau of Prisons (BOP). Now a court may entertain a motion filed by a defendant: (1) after full exhaustion of all administrative rights to appeal a failure of the BOP to bring a motion on the inmate's behalf; or (2) after the lapse of 30 days from the receipt of such a request by the warden of his facility, whichever is earlier.


The defendant previously sought compassionate release under § 3582(c)(1)(A), (Doc. No. 52), but the government objected that the defendant failed to exhaust his administrative remedies as required by the statute, (Doc. No. 53: Response at 8-15). The Court agreed with the government and denied the motion without prejudice. (Doc. No. 54: Order).

The defendant then filed the instant motion with documentation of the denial of his request for home confinement by the staff at Butner Low Security Correctional Institution. (Doc. No. 59 at 11). While the motion was pending, the defendant was transferred to Federal Correctional Institution Oakdale II. (Doc. No. 69: Notice of Change of Address). It appears that he is currently housed at Federal Transfer Facility Oklahoma City.¹ Accordingly, he has not shown that he has requested a sentence reduction from the warden at his facility. Therefore, the Court is without authority to consider the merits of his claim. United States v. McCoy, 981 F.3d 271, 283 (4th Cir. 2020) (defendant required to exhaust remedies with warden before filing motion with court).

IT IS, THEREFORE, ORDERED that the defendant's motion for compassionate release, (Doc. No. 59), is **DENIED** without prejudice.

The Clerk is directed to certify copies of this Order to the defendant and the United States Attorney.

Signed: June 15, 2021


Robert J. Conrad, Jr.
United States District Judge



¹ See <https://www.bop.gov/inmateloc/>.